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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,581	09/29/2000	Diana G. Hildreth	P2167-165	3870
21967 7590 07/08/2008 HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109				
EXAMINER POINVIL, FRANTZY				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/677,581

Applicant(s)

HILDRETH, DIANA G.

Examiner

Frantzy Poinvil

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 1/31/2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/2007 has been entered.
2. Applicant's arguments filed 1/31/2008 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **1-68** are rejected under 35 U.S.C. 103(a) as being unpatentable over Atkins (US Patent No. 5,644,727) in view of Phillip Storms "Using Mortgage Credit to Achieve Client Objectives" considered with Hinds, "Making the most of Fast-Falling

Mortgage Rates", NY Times, Late City Final Edition ED, Col. 2, page 1, June 30, 1985, Dialog file 471, Acc. No. 01055037.

As per claims 1, 2, 7, 58 and 65 Atkins discloses a system and method for allowing a user of a user terminal to receive credit financing opportunities (see the abstract), the method comprising:

receiving credit data from the user terminal, the credit data comprising a user objective and a credit profile, wherein the credit profile comprises at least one particular of any number of financial products held by the user;

determining at least one credit financing opportunity based on the credit data and at least one predetermined decision rule, wherein the at least one credit financing opportunity comprises any number of financial products that meet the user objective; (Atkins discloses a system and method for analyzing a customer's inputted credit profile and determines at least one credit financing opportunity based on the credit data and at least one predetermined decision rule, wherein at least one credit financing opportunity comprises any number of financial products that meet the user objective. Applicant is directed to the abstract of and column 7, lines 30-45 of Atkins).

Atkins specifically states:

"Through a prioritization function, an individual may maximize her financial well being while satisfying the financial institution's objectives. The individual specifies her financial objectives, a forecast of economic and financial variables concerning a set of possible scenarios, her risk preference and the budgetary constraints to which she is subject. The prioritization function suggests consumption levels and investments and credit facilities to the individual to

best realize her financial objectives. The function may also suggest one or more contractual agreement(s) reflecting a derivative form of financial instrument(s) that may best assist the individual in realizing her financial objectives”.

Atkins also teaches generating the output to the user terminal.

Atkins does not specifically state generating an output, the output including a comparison of at least part of the credit profile with the at least one determined credit financing opportunity that benefits the user.

It is noted that not just any credit opportunity is outputted to the user. The credit opportunity is generated for the particular user who has submitted his/her profile and the credit opportunity is outputted and meets that particular user's objective. Thus, generating an output, the output including comparison of at least part of the credit profile with the at least one determined credit financing opportunities to benefit the user would have been obvious to do in the system of Atkins in order to provide the user with a result matching his/her financial objective.

Furthermore, Philip Storms discloses an article entitled “Using Mortgage Credit to Achieve Client Objectives”. Storms states that in providing a loan to a client, the client's profile must be analyzed and a more appropriate credit financing meeting the client's objective must be considered and chosen. See the article. Storms further teaches comparing and outputting one or more comparisons of a determined credit opportunity with a respective one of the at least one user credit data elements. See the entire document.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings provided by Philip Storms into the system of Atkins in

order to provide users or consumers with an instant glance of a result of their financial objective thus making the system more user friendly.

The independent claim 1 has been amended to recite wherein the user objective is received from the user and comprises a designation for: (1) modifying an interest rate, (2) modifying a monthly payment, or (3) obtaining credit, loan or other financing". Applicant has also amended the claim to recite "wherein the benefit comprises a savings to the user of at least a predetermined amount of money", and argued the prior art fails to teach or suggest this feature.

Hinds discloses in an article entitled, "Making the most of Fast-Falling Mortgage Rates" that various options regarding interest rates, annual percentage rate (APR) and loan amounts are presented to a borrower for borrowing from a lender. Hinds further gives examples of three different loans each of a 30 year period, having different interest rates, points, and APR which would present different calculated payment and savings options for the borrower. See page 5 of the article.

Hinds states that:

"Annual percentage rate formulas, however, are calculated on the assumption that the buyer will repay the loan on schedule. But most people move and repay loans after 7 to 12 years, which means that the loan's APR, or total cost, is actually higher.

Real Estate Today, a trade publication, gave the following example: A buyer wants a \$64,000 fixed-rate mortgage and has a choice of three products - a loan at 13 percent that costs 1 point to close and has an APR of 13.15 percent, a 12 1/2 percent loan that costs 4 points to close and has

an APR of 13.07 percent, and a 12 percent loan that costs 7 points to close and has an APR of 13 percent.

A consumer who could afford any one of these loans might have difficulty making a choice. But a comparison of the APR's shows that the 12 percent loan with 7 points is the least expensive loan - if the loan is kept until maturity. After 30 years, a borrower with the 12 percent loan would have made interest payments totaling \$177,000, or \$7,000 less than the total cost of the 12 1/2 percent loan and \$14,000 less than the total cost of the 13 percent loan.

If the loans are paid off sooner, the effective rate increases on all three because the closing costs are spread out over fewer payments. As a result, people who expect to sell their houses soon should avoid loans with high closing costs. Continuing the above example, the 13 percent loan would have the lowest cost - an APR of 13.28 percent if terminated after five years. The 12 1/2 percent loan would have an APR of 13.61 percent after five years and the 12 percent loan would have an APR of 13.97 percent. As time passes, loans with lower interest rates catch up. In this example, all three loans have virtually the same total cost - APR's of 13.17 to 13.19 percent after 12 years. “

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Hinds into the combination of Atkins and Philip Storms in order to provide a loan applicant with the best available options of choosing a loan so that the potential borrower may decide a best loan based on his/her financial situation and/or to avoid loans with high payments or interest rates.

As per claim 3, Atkins discloses the credit profile is comprised at least one user credit data element, the at least one user credit data element identifying one or more characteristics of corresponding financing previously undertaken by the user. See column 10, lines 1-10 and column 27, lines 20-27.

As per claim 4, Atkins discloses generating the output includes generating a first level output and generating a second level output (columns 14-17 of Atkins).

As per claim 5, Atkins discloses the first level output includes one or more comparisons determined credit opportunity with a conventional system. Phillip Storms discloses an article entitled "Using Mortgage Credit to achieve client objectives". Storms further teaches comparing and outputting one or more comparisons of a determined credit opportunity with a respective one of the at least one user credit data elements. See the entire document.

The motivation to combine Storms, Atkins and Hinds are discussed above.

As per claim 6, Atkins, Phillip Storms and Hinds disclose a plurality of credit data elements and the second output includes one or more comparisons of a determined credit opportunity with the plurality of user credit data elements.

As per claim 8, Atkins, Phillip Storms and Hinds disclose the at least one user credit data element includes an interest rate, an outstanding balance and a monthly payment.

As per claim 9, Atkins, Phillip Storms and Hinds disclose the at least one user credit data element further includes an identification of whether the corresponding credit data element was issued by a provider of the financing opportunities.

As per claim 10, the combination of Atkins, Phillip Storms and Hinds discloses the at least one user credit data element corresponds to at least one credit card, a vehicle loan, secured debt, an unsecured debt, home equity loan and a residential mortgage.

As per claim 11, in the combination of Atkins, Phillip Storms and Hinds, the summary includes at least one summary area corresponding to one of the user's credit cards, personal lines of credit, personal loans, home equity lines of credit, auto loans, unsecured credit and total outstanding credit (see column 8, lines 56-67).

As per claim 12, Atkins, Storms and Hinds do not explicitly state the user data further includes personal data corresponding to the user and further including the act of obtaining credit worthiness report based on the personal data. As per this limitation, the Examiner asserts that credit data of a borrower are usually obtained from a credit bureau. Doing the same in the combination of Atkins, Storms and Hinds would have been obvious to do in order to quickly obtain loan borrowers credit information from a secure and reliable source so as to make a better determination in providing the user or borrower with credit opportunities.

As per claim 13, Atkins, Storms and Hinds disclose determining credit financing opportunities includes consideration of the credit worthiness of the corresponding user.

Claims 20-32 and 39-52 are directed to a computer storage medium storing computer executable instructions which when executed perform the functions found in claims 1-13. It is noted that Atkins is a computer system and contains storage means and a processor for

performing the functions recited in claims 1-13. Thus, claims 20-32 and 39-52 are rejected under a similar rationale applied to claims 1-13 above.

As per claims 15, 34 and 54, Atkins, Storms and Hinds disclose the user profile data includes a state of residence. The predetermined decision rules include consideration of the state residence and Current interest rates for potential financing opportunities are usually considered when providing a loan to a borrower. Including such in the combination of Atkins, Storms and Hinds would have been obvious to do based on the credit data of the borrower and also in order to minimize the borrower's potential losses.

As per claims 16-17, 35-36 and 55-56, the combination above does not explicitly teach including receiving a request for detailed information corresponding to a selected one of the financing opportunities and wherein at least a part of the output is provided a substantially pictorial form and wherein the pictorial form includes at least one of a graph and a pie chart. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Atkins, Storms and Hinds to include such a feature in order to provide loan applicants with detailed information they can choose and analyze at a glance.

As per claims 18, 37 and 57, the combined teachings of Atkins, Phillip Storms and Hinds are discussed above. The combination does not explicitly teach the predetermined decision rules further consider the user's taxation rate in determining viable credit opportunities. Considering a user's taxation rate in determining credit opportunities would have been obvious to one of

ordinary skill in the art to incorporate in the combination of Atkins, Storms and Hinds in order to determine the true value that a user is qualified for especially if the loan is for a home in which the tax may be excessively high.

As per claims 19 and 38, the combined teachings of Atkins, Phillip Storms and Hinds are discussed above. The combination does not explicitly teach preparing a list of potential financing opportunities at least partially based on opportunity data received from at least one product processor, and wherein the determined financing opportunities are selected from the prepared list. Atkins teaches that a plurality of opportunities is made available to a borrower. Preparing such a list would have been obvious to one of ordinary skill in the art in the combination above in order to show all types of loan an applicant is qualified to apply for.

As per claim 60, claim 60 contains limitations recited in claim 1 and therefore, these limitations are rejected under a similar rationale. Claim 60 further recites “querying a knowledge base regarding the input data, and receiving operational data from the knowledge base. As per these limitations, the system of Atkins includes a knowledge base and means or steps for determining optimized information. See column 29, line 65 to column 30, line 19.

As per claim 61, in the system of Atkins, the knowledge base is connected to an electronic network.

As per claim 62, in the system of Atkins, the output includes links to at least one other electronic site.

As per claim 63, querying at least one search engine concerning the input data and processing the results of the querying of at least one search engine.

As per claim 64, Atkins discloses the output includes a list of the optimized information to the user terminal. See column 29, line 65 to column 30, line 19.

As per claim 59, Atkins, Phillip Storms and Atkins disclose providing a loan to applicants. The combined teachings specify the type of loans include: vehicle loans, education loans, home improvement loans, medical loans, large event loans and vacation loans.

As per claims 14, 33 and 53, it is not explicitly stated in the combination of Atkins, Philip Storms and Hinds that the credit opportunity is considered viable if it is determined in the determining act that the user will save least a predetermined amount of money during a predetermined time period. It would have been obvious to one of ordinary skill in the art at the time the invention was made to consider the user saving a predetermined amount of money during a predetermined time period in the combination therein in order to provide an attractive system that will offer many advantages and benefits to the consumers or borrowers.

As per claim 66, Atkins teaches providing a client with a new loan. Atkins further teaches providing a client with an equity loan. See column 27, lines 20-27 meeting the client's objective.

Claim 67 contains features recited in claim 1, and these features are rejected under a similar rationale. As per the newly added limitations of "wherein the plurality of user objectives comprises at least a lowering an interest rate selection and a lowering a monthly payment selection, the Examiner notes that most borrowers objectives are to obtain a lower interest rate or a lower monthly payment. Thus a service provider or bank usually provides these options to a potential borrower. Furthermore, Philip Storms and Hinds teach providing a client with a lower

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interest rate and a lower monthly payment. See pages 82-85 of Philip Storms and page 4 of Hinds. Thus, making these options available to a client in the system of Atkins, Philip Storms and Hinds would have been obvious to one of ordinary skill in the art because this is the goal of a potential borrower and banks usually provides this service as such would have attract more clients to the banker or financial service provider of the system of Atkins, Philip Storms and Hinds.

As per claim 68, the motivation of the system of Atkins, Phillip Storms and Hinds is to save the user money.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Frantzy Poinvill/
Primary Examiner
Art Unit 3692**

FP

March 25, 2008